

TS:WG
F.#2002R00305

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA

-against-

DAVID APONTE,

Defendant.
----- X

I N F O R M A T I O N

Cr. No. _____
(T. 18, U.S.C., §§ 371
and 3551 et seq.)

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE
(Arson Conspiracy)

1. On or about and between December 20, 2001 and December 22, 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant DAVID APONTE, together with others, did knowingly, intentionally and maliciously conspire to damage and destroy, by means of an explosive and fire, a building and other real and personal property used in an activity which affected interstate commerce, to wit: the store known as "My Deli and Grocery", located at 200 Rhine Avenue, Staten Island, New York ("My Deli"), in violation of Title 18, United States Code, Section 844(i).

2. In furtherance of this conspiracy, and to effect the objectives thereof, within the Eastern District of New York, the defendant DAVID APONTE did commit and cause to be committed, among others, the following:

OVERT ACTS

a. On or about December 21, 2001, DAVID APONTE accompanied a co-conspirator to a location on Staten Island where an explosive device was obtained.

b. On or about December 22, 2001, at approximately 4:00 a.m., DAVID APONTE used a car to transport an explosive device.

c. On or about December 22, 2001, at approximately 4:50 a.m., DAVID APONTE, together with others, assisted a co-conspirator who threw an explosive device into "My Deli."


(Title 18, United States Code, Sections 371 and 3551 et seq.)

ADDITIONAL ALLEGATIONS AS TO COUNT ONE

3. The allegations contained in Count One is hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One.

4. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The offense created a substantial risk of death and serious bodily injury to a person other than a participant in the offense, and that risk was created knowingly (U.S.S.G. §§ 2K1.4(a)(1) and 2X1.1(a)).



ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

1. Title of Case: United States v. John Doe
2. Related Magistrate Docket Number(s) _____

None (X)
3. Arrest Date: _____
4. Nature of offense(s): ☒ Felony
☐ Misdemeanor
5. Related Civil or Criminal Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules): None
6. Projected Length of Trial: Less than 6 weeks (X)
More than 6 weeks ()
7. County in which crime was allegedly committed: Richmond
_____(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
8. Has this indictment been ordered sealed? (X) Yes () No
9. Have arrest warrants been ordered? () Yes (X) No
10. Is a capital count included in the indictment? () Yes (X) No

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

By: _____

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Assistant U.S. Attorney
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